

THE COMMONWEALTH.

KENTUCKY LEGISLATURE.

IN SENATE.

SATURDAY, December 17, 1859.
The Senate was opened with prayer by Rev. Joseph Rano, of the Methodist Church.
The Journal of yesterday was read by the Clerk.

MESSAGE FROM THE H. R.

A message was received from the H. R. announcing the passage of sundry bills which originated in that House, and also the passage of several Senate bills.

FARMERS' INSURANCE CO.

Mr. BRUNER presented the Report of the Kentucky Farmers Mutual Insurance Company, which lies on the table under the rule.

PETITIONS.

Were presented by Messrs. BRUNER, MARSHALL, CISELL, DENNY, ANDREWS, (a memorial) and appropriately referred.

REPORTS OF STANDING COMMITTEES.

Mr. ANDREWS—Judiciary—A bill for the benefit of the Methodist Episcopal Church, South, of Flemingsburg: passed.
Same—A bill to incorporate the town of Tilton in Fleming county: passed.

Mr. FISK—A bill to charter the Guthrie Insurance and Trust Company: made special order for 11 o'clock next Tuesday.

Same—A bill to amend article 2d, Revised Statutes, title "Marital Rights," with the opinion it should not pass: made special order for Wednesday next at 11 o'clock, and ordered to be printed.

Mr. CISELL—Judiciary—A bill to charter the Louisville Gaity Association: passed.
Same—A bill to amend the charter of the town of Jamestown in Campbell county, with an amendment: adopted and passed.

Same—A bill to authorize the Surveyor's books of Adair county to be transcribed: passed.
Same—A bill to charter the Hospital Company for the relief of persons deprived of reason: passed.

Same—A bill to charter the Navigating and Mining Company of Pond River: passed.
Same—A bill to amend an act chartering the German Insurance Company of Louisville: action cut off by the arrival of the hour for the

ORDERS OF THE DAY.

A bill to amend the charter of the city of Lexington.
Mr. ALEXANDER offered an amendment to amend the charter of Lexington, allowing all such to vote, whether they have paid their taxes or not—rejected, yeas 12, nays 22.

The bill was then passed, by yeas 29, nays 6.
A bill to amend sec. 20th Code of Practice—rejected.

A bill to amend the charter of the several sheriffs of this Commonwealth: passed.
The H. R. bills were taken up and referred to committees.

H. R. joint resolutions to correct an error in the appropriation to the Eastern Lunatic Asylum, in enrolling the bill at the last session: referred to the finance committee.

H. R. joint resolution to appoint a committee on an additional Judicial District: was laid on the table.

LEAVE TO BRING IN BILLS.

Mr. GRUNDY—A bill to amend the charter of the Kentucky State Agricultural Society.
Same—A bill to require tax Assessors to furnish statistics of Agriculture.

Mr. BRUNER—A bill to amend the charter of the Kentucky Farmers Mutual Insurance Company.

Mr. ALEXANDER—A bill to amend the charter of the Clerk's Run and Salt River Turnpike.

Mr. MARSHALL—A bill to amend the charter of the Bracken Academy.

Mr. READ—A bill to amend the charter of the Bardonia and Louisville Railroad Company.

Mr. RHEA—A bill to charter the Russellville and Franklin Turnpike.

Mr. CHAMBERS—A bill to abolish the Quarterly Courts.

Mr. ANTHONY—A bill to amend the charter of Bowling Green.

Mr. MARSHALL—A bill to amend sec. 10, chap. 13 of the Revised Statutes.

Mr. GLENN—A bill to establish a State or Sinking Fund Bank.

Mr. PENNEBAKER—A bill for the benefit of the creditors of the N. O. and Ohio Telegraph Company.

Mr. GROVER—A bill to amend secs. 31 and 32, chap. 106 of the Revised Statutes.

Mr. WAIT—A bill to charter the Phoenix Coal Oil Manufacturing Company of Pulaski county.

Mr. PENNEBAKER—A bill for the benefit of the creditors of the People's Telegraph Company.

Mr. GIBSON—A bill to purchase grounds to bury convicts who die in the Penitentiary.

Mr. DENNY—A bill to charter Leavel Green and Sugar Creek Turnpike.

Mr. FISK—A bill to charter the City Fire and Marine Insurance Company of Covington.

Mr. RHEA—A bill to amend the charter of the Millington and Cane Ridge Turnpike.

Mr. DEHAEN—A bill for the benefit of J. W. Whitaker, of Indiana.

Mr. ALEXANDER—A bill to define the duties of county attorneys, and allow them fees in certain cases.

Mr. GROVER—A bill for the benefit of School District No. 16 in Owen county.

Mr. IRVING—A bill to extend the terms of Three Circuit Court.

Mr. BARRICK—A bill to amend the charter of the Glasgow and Scottsville Turnpike.

Mr. SPEAKER (PORTER)—A bill to amend the charter of the city of Frankfort.

Mr. FISK—A bill to amend section 20 of the Code of Practice.

Same—A bill to charter the Covington Law Library Association.

Same—A bill to charter the Covington Street Railway Company.

Same—A bill to make persons liable for false representations.

Mr. WALKER—A bill to amend sec. 24, of the Civil Code of Practice.

Same—A bill to amend sec. 245 of the Criminal Code.

Same—A bill for the benefit of E. Phipps.

Same—A bill for the benefit of Charles Henderson.

Mr. JENKINS—A bill to amend the acts in relation to Quarterly Courts.

Mr. RHEA—A bill to charter the Jacksonville and Paris Turnpike.

REPORTS OF SELECT COMMITTEES.

Mr. JOHNSON—A bill to repeal an act to amend the acts in relation to sectionized lands West of Tennessee River: referred to Judiciary committee.

Mr. WALTON—A bill to establish a school for the education and training of Idiots and Imbecile children: ordered to be printed, and referred to the committee on Education.

LEAVE OF ABSENCE.

Mr. HAYCRAFT being sick, leave of absence was granted to him on motion of Mr. BRUNER.

POSTAGE—RESOLUTION.

Mr. FISK offered a resolution that the Sergeant at Arms prepay postage on all printed documents, other than bound books, that Senators send to their constituents: rejected.

MESSAGE FROM THE GOVERNOR.

A message was received from the Governor transmitting the Report of the Western Lunatic Asylum.

JOINT RESOLUTIONS.

Mr. ALEXANDER offered the following joint

resolutions, which lie over one day under the rule, viz:

1. Resolved, That we look with indignation and abhorrence upon the recent invasion of the Commonwealth of Virginia; that the clandestine and iniquitous scheme in its inception and execution was an unprovoked assault upon the peace and welfare of the whole country. That we deeply sympathize with the people of Virginia in the wrongs which they have suffered, and that we will look with distrust towards that State which refuses to perform these high and solemn obligations, whether in the North, by refusing to carry out the provisions of the Fugitive Slave law, or in the South, by reviving and carrying on the odious African Slave trade.

2. Resolved, That we here and now reaffirm our fidelity to the Constitution of the United States, and pledge ourselves faithfully and unreservedly to carry out all of its requirements; and that we will look with distrust towards that State which refuses to perform these high and solemn obligations, whether in the North, by refusing to carry out the provisions of the Fugitive Slave law, or in the South, by reviving and carrying on the odious African Slave trade.

3. Resolved, That we will discountenance every thing tending to produce alienation of feeling between the North and South; that the unchangeable Union of these States is indispensable to the prosperity and glory of each and all, and even to our continued existence as a civilized and enlightened nation; and to a preservation of this Union in its integrity and integrity, we pledge our lives, our fortunes, and our sacred honor.

4. Resolved, That we looked with admiration and approval at the late Union demonstrations in the North, and promise our Union loving friends of that section our hearty co-operation in quelling sectional strife, and restoring fraternal feeling in the different sections of the confederacy. We are for the equality of the States, the supremacy of the Constitution, the execution of the laws, and the preservation of the Union. We ask nothing more than we are willing to award to others.

Mr. GROVER offered a joint resolution to instruct the committee on Banks to visit the several banks in Louisville, Lexington, and the Farmers Bank in Frankfort, lies over one day.

Mr. GILLIS offered the following resolution, viz:

Resolved, That the committee on Circuit Courts be instructed to enquire into the expediency of making the office of Commonwealth's Attorney dependent on a competent stipulated salary, and providing for the payment into the Treasury that portion of the fines and forfeitures now by law allowed to said attorneys; and to the expediency of applying the remaining portion of the fines, forfeitures and penalties, arising under the penal laws of this Commonwealth in aid of the common school fund; and that said committee report to the Senate either by bill or otherwise: which was adopted.

Mr. GRUNDY offered a resolution instructing the Sergeant at Arms to have locks put on the desks of Senators: adopted.

Mr. WALTON was added to the committee on Education.

And then the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, Dec. 17, 1859.

The House was opened with prayer by Elder W. T. Moore, of the Reformed Church.

The Journal of yesterday was read.

PETITIONS.

Were presented by Messrs. GAITHER, H. H. SMITH, also a remonstrance, GATWAY, WALKER, FINN, HITT, and S. JOHNSON, and appropriately referred.

LEAVE TO BRING IN BILLS.

Leave was given to bring in the following bills, which were appropriately referred, viz:

Mr. JACOB—A bill for the protection of game in this Commonwealth.

Mr. GALE—A bill to incorporate the Union Agricultural and Mechanical Association of Owen county.

Mr. W. M. JOHNSON—A bill to amend the law in relation to registration of Births, Marriages, and Deaths.

Mr. NEEL—A bill to authorize Shelby County Court to increase poll tax for certain purposes.

Same—A bill regulating the duties of county and Commonwealth Attorneys.

Same—A bill to authorize Shelby County Court to subscribe for Turnpike stock.

Mr. FINN—A bill to amend the law in relation to the appropriation of vacant lands in this Commonwealth.

Mr. TERRY—A bill establishing a new Judicial District, and for other purposes.

Same—A bill to amend the law in relation to sale of spirituous liquors.

Same—A bill requiring the Louisville and Lexington Railroad Company to pay for stock killed in certain cases.

Same—A bill authorizing the Trustees of Russellville to convey a lot.

Same—A bill for the benefit of the Constable of Logan county, residing in the Russellville district.

Mr. HINES—A bill declaring Gasper river a navigable stream.

Mr. TYE—A bill for the benefit of W. C. Gillis, late Surveyor of Whitley county.

Same—A bill for the benefit of the Seminary lands of Whitley county.

Same—A bill to establish an additional voting place in Whitley county.

Same—A bill providing for the pay of jurors in the interior courts in this State.

Same—A bill for the benefit of the Sheriff of Whitley county.

Same—A bill to change the place of voting in the 5th district in Whitley county.

Mr. I. H. SMITH—A bill to repeal the law allowing pay for red fox scalps.

Same—A bill to change the time of holding the Quarterly Courts of Barren county.

Mr. SNEED—A bill regulating the fees of Presiding Judges in certain cases.

Same—A bill regulating the fees of Justices of the Peace.

Same—A bill to revive and amend the charter of the Merchants Bank of Danville.

REPORTS FROM SELECT COMMITTEES.

Mr. GRIFFIN—A bill for the benefit of T. Surber, late Sheriff of Pulaski county, and his deputies: passed.

Mr. HINES—A bill to authorize the County Judge of Warren county to qualify as the administrator of his deceased mother: passed.

Mr. SNEED—A bill to amend the charter of the town of Danville: passed.

Same—A bill to incorporate the Alpha Kappa Phi Society of Centre College: passed.

Mr. CLEVELAND—A bill to amend the charter of the city of Augusta: passed.

Mr. GATWAY—A bill for the benefit of Milton Board, late Sheriff of Breckinridge county: passed.

Same—A bill for the benefit of McHenry Meadows, of Meade county: passed.

Mr. BURBRIDGE—A bill to incorporate the North Middleton and Winchester Turnpike Road Company: referred to the committee on the Judiciary.

Same—A bill for the benefit of Andrew Wilson and Thomas Lewis: passed.

Mr. RATCLIFFE—A bill to amend the law in relation to working the roads in Carter county: passed.

Same—A bill in relation to forfeited lands: referred to the committee on Revised Statutes, and ordered to be printed.

SPECIAL ORDERS.

The House then took up the special order, which was a bill concerning the Southern Bank of Kentucky, and the bonds of the State held by said Bank. (By the original charter of the Bank, the State has the right to take \$400,000 of the stock of said Bank. The bill under consideration proposes to relinquish her right to \$300,000 of said stock, and the Bank will sell to the State the \$600,000 of State bonds that it holds.)

There were two amendments pending on yesterday, one of Mr. FINN, to insert \$400,000 in stead of \$200,000, and the one of Mr. D. P. WHITE to the amendment of Mr. FINN, prohibiting the Bank from issuing the \$400,000 of stock for five years.

The question was first taken upon Mr. D. P. WHITE'S amendment to the amendment and it was adopted.

The question was then taken upon Mr. FINN'S amendment as amended, and it was rejected.
Mr. CARLISLE offered an amendment to the effect that the Bank shall consent to the sale of the bonds within thirty days after the passage of this act, which was adopted.
Mr. CARLISLE offered an amendment, prohibiting the Bank from issuing the stock prior to the 1st day of January, 1865: rejected.
The bill was then rejected.

LEAVE TO BRING IN BILLS—RESUMED.

Mr. IRELAND—A bill to amend an act in corporation: Greenupburg.

Same—A bill to amend the road laws of Greenup county.

Mr. LYNE—A bill to charter a Deposit Bank in Henderson.

Mr. LANSOM—A bill regulating tolls on flat boats, etc., on slack water navigation.

Mr. CARLISLE—A bill to incorporate the Covington Gymnastic Association.

Same—A bill regulating the fees of examiners.

Same—A bill to amend section 236, Criminal Code.

Mr. WORD—A bill to amend the law in relation to the Knox county Seminary lands.

Mr. M. J. COOK—A bill to change the line between Jackson and Rockcastle counties.

Same—A bill to change the Jackson Quarterly Courts.

Same—A bill to prevent obstruction of fish up Rockcastle river.

Mr. RICE—A bill to more effectually prevent bribery and corruptions in elections.

Mr. LACKEY—A bill to change the time of holding the Lincoln Quarterly Courts.

Mr. GOHEEN—A bill to refer to part the law in relation to brokers and exchange dealers in this Commonwealth.

Mr. TEVIS—A bill to incorporate the old Frankfort continuation Turnpike Road.

Same—A bill for the benefit of Geo. W. Carter, of Woodford county.

Mr. WOLFE—A bill to charter the Union Insurance Company.

Same—A bill to amend the charter of the Louisville Insurance Company.

Mr. BURNAM—A bill to amend the charter of the Richmond and Big Hill Turnpike.

Mr. BURTON—A bill for the benefit of the Commercial Bank of Kentucky.

Mr. LUTTRELL—A bill to exempt Sewing Machines from execution, &c.

Mr. FORMAN—A bill to amend the Revised Statutes in relation to slaves.

Mr. DOWNING—A bill for the benefit of Jefferson Goe and Jas. B. Thomas.

Mr. J. W. WHITE—A bill amending the charter of the Mt. Sterling, Mt. Ida and Winchester Turnpike.

Same—A bill for the benefit of Wm. H. Bowen, of Montgomery county.

Same—A bill to place negotiable notes held by individuals upon the same footing with those held by banks.

REPORTS FROM SELECT COMMITTEES—RESUMED.

Mr. RATCLIFFE—A bill allowing compensation to jurors in trials before Magistrates, Police Justices, &c.: referred to the committee on the Judiciary.

Mr. THOMPSON—A bill in relation to the Sinking Fund of Clarke county: passed.

Same—A bill authorizing the Clarke County Court to subscribe stock in Turnpike roads in said county: passed.

Same—A bill to incorporate the Winchester and Red River Iron Works Turnpike Road Company: passed.

Same—A bill to incorporate the Winchester and Irvine Turnpike Road Company: passed.

Mr. RODMAN—A bill to establish an Institution for the Education and Training of Feeble-Minded Children: ordered to be printed, and made special order for 7th of January.

Mr. J. W. COOK—A bill for the benefit of Ballard and Graves counties: passed. [Republish an act striking said counties from the 1st Equity and Criminal district.]

Mr. GREEN—A bill for the benefit of W. R. Duweles, late Sheriff of Grayson county: passed.

Mr. D. P. WHITE—A bill to incorporate the Green County and Taylor County Turnpike Company: passed.

Mr. LANSOM—A bill to incorporate the city of Columbia: passed.

Mr. M. J. COOK—A bill for the benefit of William Johnson, late Sheriff of Laurel county: passed.

Same—A bill for the benefit of Alfred Smith, late Sheriff of Rockcastle county: passed.

Same—A bill to regulate the management of the Madison fork of the Wilderness Turnpike Road: passed.

Mr. THOMAS—A bill for the benefit of the Common School system. [Proposes an addition at tax of 5 cents on each \$100 worth of property, for Common School purposes.]

Ordered to be printed, and made this special order for next Wednesday.

Same—A bill creating an additional Magistrate and voting precinct, in Lewis county: passed.

Same—A bill for the benefit of James R. Garland, late Sheriff of Lewis county: passed.

Same—A bill to regulate the time of holding courts in Lewis county: passed.

Same—A bill for the benefit of Geo. T. Holbert, of Lewis county: passed.

Mr. RICE—A bill to define the line between the counties of Floyd and Lawrence, and Lawrence and Johnson: passed.

Same—A bill for the benefit of Jacob Rice, late Sheriff of Carter county: referred to the committee on the Judiciary.

Mr. LACKEY—A bill to incorporate the Garrard county and Wallace Mill Turnpike Company: passed.

Same—A bill to incorporate the Bryantsville and Cave Run Turnpike Road Company: passed.

Same—A bill to revive and amend the act in corporation of the Lancaster and Sugar Creek Turnpike Road Company: passed.

Same—A bill to amend the charter of the Harmony and Fork Turnpike Road Company: passed.

Mr. GOHEEN—A bill to change State road in Marshall county: passed.

Mr. W. L. NEALE—A bill for the benefit of the city of Richmond: passed.

Mr. HUSBANDS—A bill for the benefit of Mrs. E. R. Singleton: passed.

Same—A bill for the benefit of Mrs. Louisa B. Walden: passed.

Same—A bill in relation to compensation of assessors in certain cases: passed.

Mr. ABELL—A bill to amend and reduce into one the several acts in relation to the town of Harrodsburg: passed.

Mr. J. W. WHITE—A bill to legalize the sale of the Poor House lands in Montgomery county: passed.

Same—A bill to amend the act incorporating the Montgomery Library Association: passed.

Same—A bill to provide a Mechanics lien law for Montgomery county: referred to Judiciary committee.

REPORT FROM STANDING COMMITTEE.

Mr. FINN—County Court—a bill from Senate to authorize the Anderson County Court to levy and collect a tax for certain purposes: passed.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. BRUNER, announcing the passage of sundry resolutions and bills.

RESOLUTION.

Mr. FORMAN offered the following joint resolution, which lies one day on the table, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Governor of the Commonwealth be and is hereby authorized and directed to procure suitable gold medals with appropriate inscriptions and devices, and

the name of the State of Kentucky to present to each of the surviving officers and soldiers of the Kentucky Volunteers who were present and participated in the memorable engagement between the American and British naval forces on Lake Erie, the 10th of September, 1813, as a token of the grateful recollection in which the people of the State hold their brave and patriotic services on that day, and the imperishable renown which that brilliant victory achieved for their common country.

And then the House adjourned.

STRAY COWS.

Two cows strayed from the house of the undersigned in Frankfort on the 14th inst. One of them is a large pied Durham Cow, with one horn slipped; she has no ear marks. The other is a deep red Scrub Cow; marks not recollected. They are both in rather low order, and both giving milk, and each of them about seven or eight years old. Information concerning them will be thankfully received and suitably rewarded.

G. W. LEWIS,

Commonwealth Office.

INCORPORATED 1819—Charter Perpetual.

THE COMMONWEALTH.

FRANKFORT.

THOMAS M. GREEN, Editor.

MONDAY, DECEMBER 19, 1859.

Send in Your Clubs.

The friends of the *Commonwealth* will be pleased to learn that the subscription list for the Daily was never before so large as it now is; the advertising patronage is also so much increased as to trespass on our editorial columns. May we not ask our friends, personal, and political to exert themselves to give our paper a still greater circulation among the people. There is no county in the State in which at least a dozen subscribers could not be added to our list by a slight effort on the part of our friends, and though the sum collected from each would be trifling, the aggregate would be an immense advantage to us. It would at once place the paper on a paying basis, and enable the publishers to enlarge and improve it. Manifestly it is the advantage of those who have already subscribed for the *Commonwealth* to get others to follow their example. Increase our subscription list, gentlemen, and we will repay you by sending you a better paper. There is nothing like encouragement and patronage to promote enterprise and industry. If you wish work out of those you employ, you must feed them well.

The Frankfort Commonwealth FOR THE SESSION OF THE LEGISLATURE.

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Dr. Craik's Lecture on the Union.

We are glad to announce that the Lecture recently delivered by this gentleman in Louisville, and which was received with such unqualified approval and admiration by all who had an opportunity of hearing it, is to be repeated in this city. The following correspondence explains itself:

FRANKFORT, Ky., December 16, 1859.

Rev. and Dear Sir: It would gratify many citizens of Frankfort, of all parties, besides members of the Legislature and strangers now in the city, if you would consent to deliver the Lecture here which has recently afforded so much satisfaction to the citizens of Louisville. The use of the Representative Hall can be secured for this purpose, and Monday night, Dec. 19th, would be a convenient time, if it will suit your other engagements.

Yours very respectfully,
B. MAGOFFIN, R. R. REVILLI,
G. W. CRADDOCK, H. I. TODD,
S. L. MAJOR, A. W. VALLANDIGHAM,
R. P. LATCHER, THOMAS GREEN,
H. WINDLEY, B. K. BOLLING,
E. H. TAYLOR, B. HARLAN,
P. SWICKERT, B. MONROE,
E. D. SAMUEL, J. SWICKERT,
JAS. W. BYCHELOR, THOS. B. MONROE.

The notice being too short for Dr. CRAIK to send a reply by mail, an acceptance of the above invitation has been received by telegraph. The Lecture will be delivered to-night, (Monday,) in the Representative Hall, at 7 o'clock. Of course there will be a large attendance.

The News.

Two more ballots have been had in Congress, but without an election. On the first of these ballots, a few of the more moderate of the Republicans and some of the anti-Leocompton Democrats voted for Gilmer, of North Carolina, thus raising his vote to 36, sufficient with the Administration vote to have elected him. On the second ballot, Mr. Gilmer with drew, and the vote stood thus: Sherman, 111; Boocker, 53; Butler, 25; scattering, 9. The Republicans who voted for Gilmer, again supported Sherman upon the withdrawal of the former.

On Friday, the negroes Green and Copeland, and Cook and Coppee, were executed at Charles town. Cook and Coppee had made an attempt to escape, by sawing off their manacles and cutting a hole through the wall of the jail. They succeeded in getting through this aperture, and let themselves drop to the ground. The timbers of the scaffold upon which Brown was hung were then used for scaling the wall. As Cook attempted to elevate himself above the top of the wall, he was observed and fired upon by the guard outside. The prisoners then retreated to the door of the jail, and were recaptured; and thus the slender thread upon which hung their last hope of life was broken. Strange that Cook did not jump at any rate, and meet his death bravely by the bayonet or bullet rather than by the halter. This occurred on Thursday night, and they were executed next day, in the presence of a large crowd of Virginians who had assembled to see the finale of this tragic comedy.

DODGE'S PATENT GRATES AND STOVES.—We have been requested to state that Dodge's hands are in Frankfort with materials suitable for putting in his Patent Grates and Open Stoves. Orders may be left, by those wishing their services, with Mr. G. W. Owen, at the Express Office; and all persons desirous to know anything of the character of their work, and the utility of the grates and stoves, are referred to Col. E. H. Taylor, at the Branch Bank of Kentucky.

The highly improved BRAZILIAN PEBBLE SPECTACLES, which are now to be had at Harris' Gallery, over the Postoffice, are really an improvement on human vision; and we advise those that fail to see with convenience to call on Mr. SINGER, the well recommended and skillful Optician. He is the man who will do you good. Don't miss a rare chance, as Mr. SINGER's stay in our community is but for three days.

Troubles are like babies, that only grow bigger by nursing.

Decision of the Court of Appeals.

(Reported expressly for the Commonwealth by JOHN M. BROWN, Attorney-at-Law, Frankfort, Ky.)

From the McLean Circuit Court

This case was tried at the September term of the Circuit Court, 1858. At that time a verdict and judgment were rendered, grounds for a new trial filed, and a motion made thereon which was overruled. There is no order allowing time to reduce the exceptions to writing and file them. The record shows that at the March term, 'the parties came by their attorneys, and it appearing that at the trial of this cause at the last term of the court, the court allowed defendants time to prepare a statement and bill of exceptions—which being now presented, are ordered to be entered as part of this record *nunc pro tunc*."

Judge WOOD delivered the opinion of the court.

The record as presented to the court contains what purports to be a bill of exceptions in which the evidence is "spread" or written out. But as in *Freeman vs. Benham*, 17 B. Monroe, 607, the question to be settled is, will this record revise a case presented with a bill of exceptions made out at this record.

By sec. 364 of the Code, "the party objecting to the decision must except at the time the decision is made; and time may be given to reduce the exceptions to writing, but not beyond the succeeding term." But the order giving time must certainly be made at the time the exception is taken, and the records of the court of that term must show that the exception was taken at the time the decision was made, and that time was then given to reduce the exceptions to writing.

It is stated that at the March term, "the parties came by their attorneys, and it appearing that at the trial of this cause at the last term the court allowed defendants time to prepare a statement and bill of exceptions." This does not appear from the record, nor is there any trace of it there.

Circuit Courts cannot be allowed, in matters of such importance to litigants, to deviate from the plain and express rules of law, upon "appearances" so unreliable and uncertain. If such were permitted, the rights of litigants in making out and filing bills of exceptions would no longer be secure.

It is also stated that this, i. e., the bill of exceptions, "being now presented, is ordered to be entered as part of the record *nunc pro tunc*." This does not purport to be an entry *nunc pro tunc* of the order giving time, &c. The order is that the statement of evidence and bill of exceptions be entered. We apprehend that such an order could not have been rightfully entered by the court, at a term after the cause had been terminated by a final judgment, and motion for a new trial made and overruled. The cause was completely out of court. There is nothing to amend by, nothing to give an intimation that such an order has been made in such a case, no amendment or entry of an order *nunc pro tunc* could be made. (2 Babb' vs. same book, p. 24.)

The circumstances of this case will illustrate how unsafe and dangerous it would be to regard a bill of exceptions placed like this upon the record without authority of law; indeed contrary to the express provisions of the law. A comparison of the two will show that the statement made by the judge of what occurred upon the trial in regard to giving and refusing instructions, is materially variant from the statement made of the same matters in the final order made at the September term, 1858.

We are therefore of opinion that this court cannot revise a judgment upon a bill of exceptions made out and filed as this was.

Wherefore the judgment of the Circuit Court is affirmed.

THE AMERICAN HORSES IN ENGLAND.—It has been stated that Ten Brock won upwards of \$100,000 in England this year. This enormous sum was mostly in the shape of bets. The following summary from Wilkes' Spirit of the Times shows how many times the American horses started and won, with their winnings:

GENERAL SUMMARY.

Priorities ran 11 times, won 5, and lost 6—cash winnings \$4,550; Starke ran 10 times, won 3, and lost 7—cash winnings \$13,310; Unipare ran 5 times, won 3, and lost 2—cash winnings \$4,257; Babylon ran 9 times, won 1, and lost 8—cash winnings \$225; Woodburn ran 11 times, won 1, and lost 10—cash winnings \$1,875; Optima ran 4 times, won 1, and lost 3; Satellite ran 1 time, won 0, and lost 1; Des Champs ran 3 times, won 0, and lost 3; Cincinnati ran 3 times, won 0, and lost 3; Lincoln ran 2 times, won 0, and lost 2.

Ran 55 times, won 13, and lost 46. Stakes won \$25,017.

MURDER OF THE GOVERNOR OF BOGOTA BY HIS BROTHER.—The Bogota, New Grenada, correspondent of the New York Times, writes:

On the 1st of November the population of Bogota were horrified at the report that Jose Maria Mateo, Governor of the State, had been murdered by his brother Jesus. The parents of these two brothers had died at about the same time a few years ago, leaving Don Jose the executor of the will. The property was divided in accordance with their wishes, but the younger brother, Jesus, was not satisfied with his inheritance, and charged the elder with unfairness in his distribution. On the day of the murder Jesus met his brother in the street, and asked him when he was going to pay him \$2,000 due him. The Governor replied that he had already paid him all that was justly due him. Jesus, upon this, drew two revolvers, and offering his brother one of them, told him he must defend himself. Jose declined such an unnatural duel, and commenced remonstrating with his brother, when the latter fired, the shot taking effect. The wounded man, not knowing he was shot, ran, and was followed by Jesus, who discharged two more shots at him, neither of which took effect. Don Jose was carried to his home, and died in twenty-seven hours after, invoking pardon for his brother. He left a wife and seven little children. It was thought Jesus would be acquitted of the crime on the plea of insanity; but, a few days after the tragedy, news reached Bogota that in one of the rural districts of the State, a man of humble fortune had killed his brother with a scythe—and as the poor man must be shot, the rich one will naturally share his fate. Señor Pedro Davila Novoa takes the part vacated by Señor Mateo.

UNITED STATES PUBLIC LANDS.—During the fiscal year ending last June, and the quarter ending with September, there were 4,970,093 acres of public lands sold, bringing \$2,107,476. The cash receipts were less than last year, but more acres were disposed of, owing to the operation of the graduation act of 1854. In addition to the quantity sold, 6,318,003 acres were certified to in certain States for railroad purposes, 3,617,440 acres were located with bounty land warrants, and 1,712,040 acres approved under swamp grant act.

LEGISLATIVE DIRECTORY.

This Directory will be published frequently during the session, and Senators and Representatives will be obliged to us by giving notice of any change of location.

SENATORS

T. P. Porter, (Sp'kr.) Capital Hotel, No. 15.
T. T. Alexander, Mrs. J. R. Page's
Wm. T. Anthony, Mrs. Major's
Land-F. W. Andrews, Capital Hotel, No. 12.
James R. Barrick, M. B. Chinn's
Samuel H. Bates, W. H. Gray's
John B. Bruner, II. Wingate's
Charles Chambers, Capital Hotel, No. 59.
Benj. P. Cissell, Capital Hotel, No. 24.
A. D. Cosby, Mansion House, No. 43.
William S. Darnaby, Capital Hotel, No. 54.
Alex. L. Drayton, Mansion House, No. 1.
Samuel E. DeHaven, Capital Hotel, No. 82.
George Denny, Capital Hotel, No. 2.
John F. Fisk, Capital Hotel, No. 7.
J. E. Gibson, Mrs. Montgomery's
William C. Gillis, Dr. Valandingham's
Robert E. Glenn, R. R. Revill's
Asa P. Grover, Capital Hotel, No. 14.
Thos. S. Guerry, II. Wingate's
Samuel Haycraft, R. R. Bolling's
John L. Irwin, Mrs. Major's
Samuel H. Jenkins, Mrs. J. R. Page's
John M. Johnson, Capital Hotel, No. 25.
John G. Lyons, Capital Hotel, No. 20.
Thornton F. Marshall, Capital Hotel, No. 32.
Wm. H. McBrayer, G. W. Lewis's
James McKee, Capital Hotel, No. 25.
Clas. D. Pennebaker, Capital Hotel, No. 70.
John A. Prall, Capital Hotel, No. 89.
William B. Reed, Mrs. J. R. Page's
Albert G. Rhea, M. B. Chinn's
Henry M. Rhea, Capital Hotel, No. 64.
Harrison Taylor, A. J. James's
Garcia's Wait, M. B. Chinn's
E. D. Walker, M. B. Chinn's
Wm. C. Walton, M. B. Chinn's
Wm. C. Whitlock, Capital Hotel, No. 39.
B. Selby, Clerk, Mansion House, No. 17.
J. H. Johnson, Assistant Clerk, Capital Hotel, No. 7.
M. B. Chinn, Sergeant at Arms, at home
Thos. Peace, Doorkeeper, R. R. Revill's.

REPRESENTATIVES.

D. Meriwether, (Sp'kr.) No. 7, Meriwether's.
C. S. Abell, No. 81, Capital Hotel.
Wm. B. Acree, Dr. Valandingham's.
R. M. Alexander, Mrs. Page's.
Vene P. Armstrong, No. 30, Mansion House.
Henry Bobanum, Mrs. Herndon's.
Wm. B. Buckner, Dr. Valandingham's.
Oscar H. Burbridge, No. 74, Capital Hotel.
Joshua Burdett, No. 79, Capital Hotel.
Harrison G. Burns, No. 1, Mansion House.
Curtis F. Burton, No. 76, Capital Hotel.
Robert A. Burton, Jr., R. R. Bolling's.
John G. Cartledge, Mrs. Conery's.
A. B. Chambers, R. R. Revill's.
Thomas H. Clay, No. 78, Capital Hotel.
Wm. W. Cleary, No. 71, Capital Hotel.
Francis L. Cleveland, No. 20, Capital Hotel.
Shelby Coffey, Jr., Wm. H. Gray's.
Virgil Coleman, R. R. Bolling's.
John W. Cook, R. R. Bolling's.
Milton J. Cox, G. W. Lewis's.
Joseph Croxon, No. 7, Meriwether's.
Win. Day, Dr. Valandingham's.
Wm. D. Dobyns, No. 33, Mansion House.
John Donnan, No. 85, Capital Hotel.
Daniel E. Downing, Wm. H. Gray's.
Alexander Dunlap, R. R. Revill's.
John Ellis, Mrs. Conery's.
Robert English, No. 30, Mansion House.
George W. Faulconer, Dr. Rodman's.
Eugene A. Paulson, R. R. Bolling's.
John A. Finn, No. 11, Meriwether's.
William F. Fisher, No. 65, Capital Hotel.
Melville J. Goble, Wm. H. Gray's.
George L. Forman, No. 66, Capital Hotel.
J. Wilson Foster, Mrs. Major's.
Nat. Gaidner, Jr., Wm. H. Gray's.
Robert H. Gale, R. R. Revill's.
David C. Gamaway, Mrs. Herndon's.
Samuel L. Geiger, No. 7, Meriwether's.
Abigail Gilmer, Mrs. Montgomery's.
Thomas L. Gilman, R. R. Bolling's.
John K. Goodlow, No. 33, Capital Hotel.
A. F. Gowdy, No. 8, Meriwether's.
Lafayette Green, No. 108, Capital Hotel.
John Griffin, A. J. James's.
John H. Gudge, Mrs. Conery's.
John O. Harrison, No. 83, Capital Hotel.
John Haynes, Mrs. Conery's.
Joseph Hill, Mrs. Hillson's.
Ben. M. Hitt, Mrs. Major's.
Pessant Hines, Wm. H. Gray's.
George B. Hodge, No. 13, Capital Hotel.
John B. Hunter, No. 63, Capital Hotel.
D. H. Husbands, J. H. Garrard's.
William C. Ireland, No. 90, Capital Hotel.
Richard T. Jacob, No. 84, Capital Hotel.
Sylvester Johnson, No. 31, Capital Hotel.
William Johnson, No. 61, Capital Hotel.
Gabriel A. Luckey, No. 29, Capital Hotel.
William D. Linnom, Mrs. Major's.
James C. Leach, No. 88, Capital Hotel.
Young A. Linn, R. R. Bolling's.
L. S. Lintroll, No. 6, Capital Hotel.
James B. Lyne, No. 73, Capital Hotel.
Jaques Mann, Mrs. Conery's.
Edward Massey, No. 8, Meriwether's.
Hiram McHenry, Mrs. Montgomery's.
John G. McFarland, Mrs. Conery's.
Joseph H. D. McKee, No. 72, Capital Hotel.
W. L. Neale, No. 67, Capital Hotel.
Fielding Neil, No. 62, Capital Hotel.
John T. Ratcliff, Mrs. Major's.
Nicholas A. Rapier, No. 49, Capital Hotel.
John M. Rice, Dr. Valandingham's.
W. C. Richardson, Mrs. Conery's.
Fountain Riddle, Mrs. Major's.
John W. Ritter, No. 10, Mansion House.
John Rodman, At home, S. Frankfort.
Samuel Salyers, No. 1, Mansion House.
Benj. J. Shaver, J. R. Watson's.
Joseph Shawlow, No. 16, Mansion House.
U. C. Sherill, R. Gillispie's.
Nelson Sherrill, Mrs. Conery's.
John H. Smith, Wm. H. Gray's.
H. H. Smith, J. R. Watson's.
Alex. H. Sneed, Jr., No. 29, Capital Hotel.
A. B. Stivers, Mrs. Conery's.
Gobias Terry, Dr. Rodman's.
Joshua Tevis, No. 31, Capital Hotel.
George M. Thomas, Mrs. Herndon's.
Harrison Thompson, No. 21, Capital Hotel.
H. S. Tyne, Mrs. Herndon's.
Alexander R. Walker, No. 60, Mansion House.
Daniel P. White, No. 53, Capital Hotel.
John W. White, No. 81, Capital Hotel.
Nathaniel Wolfe, No. 77, Capital Hotel.
John Word, Mrs. Herndon's.
Clinton McClary, Clerk, J. W. Batchelor's.
R. S. Forde, Assistant Clerk, Mrs. Major's.
W. N. Robb, Sergeant at Arms, Jas. Shannon's.
Anderson Gray, Doorkeeper, Mrs. Conery's.

DESTITUTION OF JEWS AT GIBRALTAR.—The Jewish Messenger has advised by the steamer Africa of the most gloomy character. They relate that the Jews in the now agitated State of Morocco, placed as they are between the attacking Spaniards, and the defending Moors, with the savage Kabyle ready to pillage and murder them, hundreds of Jewish families have fled from Tangier, regardless of their destitution, homeless where they should find a shelter for their weary heads, a home for their houseless wives and starving children. Twenty seven hundred of these care worn beings have arrived at Gibraltar, where they are suffering every privation. The English Jews, at the head of whom is Sir Moses Montefiore, have commenced a subscription for their relief, and appeal to the American Jews for aid.

FINAL SETTLEMENT OF THE FOREST DIVORCE CASE.—This vexed question has at last been settled in New York, by the referees appointed, who decided that Mr. Forrest must pay his divorced wife \$44,000 a year from the time of divorce, which, together with costs of suit will amount to nearly \$100,000. As Forrest is worth half a million, he can well afford to give so small a sum for the luxury of getting rid of a wife.

Everything that a man learns upon God will be a dart that will certainly pierce his heart through and through. He who leans only upon Christ, lives the highest, choicest, safest, and sweetest life.

MARRIED.

At the Stamping Ground, Scott co., Ky., on the 8th inst., by the Rev. George Hunt, Wm. S. Darnaby, Esq., (State Senator from Scott and Fayette,) to Miss FANNY H. LINDSEY.

On the 13th inst., by Elder T. N. Gaines, Mr. Wm. F. SKERLOCK to Miss BETTIE BLANTON HOLLOWAY.

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In Georgetown, Ky., on the 17th inst., of strangulated hernia, MR. HIRSHKAT ELLIS, a native of Spottsylvania county, Va., in the 73rd year of his age.

BRIDAL PARTY.

AND

EVENING DRESS GOODS!

THIS DAY RECEIVED, PER EXPRESS, A BEAUTIFUL lot of Pink, Blue, Orange, Lavender and White Plain and Bayadere

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Lexington, Kentucky.

Dec. 19, 1859—2w and ch. 06 & 08.

POCKET CUTLERY.

KEON & CRUTCHER, Cutlery to His Excellency, the Governor of Kentucky, have just imported the establishment of Rodgers & Son, Sheffield, a complete assortment of Pen and Pocket Knives. Examine their stock.

FOR HIRE.

HAVE A WOMAN who is glad to hire out for the coming year. She is a good Cook and Washerwoman. For further information apply to me at my office on St. Clair street, next door to the Bank Block.

FOR RENT.

THE Store Rooms under the Metropolitan Hall. Dec. 14, 1859—1f

COURT OF APPEALS.

SATURDAY, DEC. 17, 1859.

CAUSES DECIDED.

Hocker's adm'r v. Hym, Lincoln; affirmed.
Goodrum v. Root, Marion; affirmed.
Hogan v. Black, Knox; affirmed.
Windsor v. McKee, Davies; reversed.
Young v. Ditt's ex'r, Hardin; reversed.
Commonwealth v. Farrell, Marion; dismissed.
Morgau v. Boner, Garrard; reversed.

ORDERS.

Gilbert v. Miller, Hancock, petition for rehearing denied.

Curtin et ux v. Commonwealth, Fayette; petition for rehearing filed.

Dawson v. Thompson, Nelson; *supra*, *duces tecum* ordered.

Adams v. Clarkson's ex'r; *decum* and reply filed.

Morgan v. Lea, Washington;
Letcher's ex'r v. Bocker, Washington;
Mattingly & v. Bosley, Washington;
Herd v. McCollum, Clark;
Aker v. Hubson, Green;
Porter v. Same, Green;
Aikin's adm'r v. Aikin, Green;
Trustees of Owensboro' v. Webb, Davies—were argued.

There's Nothing Lost.

There's nothing lost. The truest flower
That grows within the darkest vale,
Though lost to view, has still the power
The rarest perfume to exhale;
That perfume, borne on the zephyr's wings,
May visit some lone sick one's bed,
And like the balm affection brings,
'Twill scatter gladness round her head.

There's nothing lost. The drop of dew
That trembles in the rose bud's breast,
Will seek its home of eader's blue,
And fall again as pure and blest;
Perchance to revel in the spray,
Or moisten the dry, parching sod,
Or mingle in the mountain spray,
Or sparkle in the bow of God.

There's nothing lost. The seed that's cast
Will take root, and may at last
A green and glorious tree be found;
Beneath its shade, some pilgrim may
Seek shelter from the heat of noon,
While in its boughs the breezes play,
And song birds sing their sweetest tune.

There's nothing lost. The slightest tone
Or whisper from a loved one's voice
May melt a heart of hardest stone,
And make a saddened heart rejoice;
And then, again, the careless word,
Our thoughtless lips too often speak,
May touch a heart already stirred,
And cause that troubled heart to break.

There's nothing lost. The faintest strain
Of breathing from some dear one's lung
In memory's dream may come again,
Though every mournful string be mute;
The music of some happier hour,
The hap that swells with love's own words,
May thrill the soul with the deepest power,
When still the hand that swept its chords.

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SPECIAL NOTICES.

I. O. O. F.

Phoenix Lodge, No. 28, I. O. O. F.

Meets at their Hall, on St. Clair Street, over Page, Gaines & Page's Grocery Store, in the Third Story, every Tuesday Evening, at 7 o'clock. Transient members in good standing are fraternally invited to attend. Entrance to the Hall, one door below Page, Gaines & Page's Grocery Store. By order of the Lodge.
Dec. 2, 1859—4s. JOHN W. PRUETT, Sec'y.

MASONIC NOTICE.

Bliram Lodge, No. 1, meets on the Second and Fourth Monday Evenings in each month, at 7 o'clock, P. M., in their lodge room in the Third Story over Page, Gaines & Page's Grocery Store, adjoining the Commonwealth Office, on Saint Clair Street.

Members of the Legislature who are Masons, and other visiting Brethren, are cordially invited to attend the meetings. By order of the Lodge
Dec. 2, 1859—1f. G. W. LEWIS, Secretary.

LUMBER YARD.

We have again established a Lumber Yard in Frankfort, on the lot at the intersection of Washington and Main Streets, where will be kept, at all times, a full assortment of Poplar, Oak, Ash and Walnut Lumber, which will be sold upon reasonable terms for Cash.
Dec. 2, 1859. J. S. & L. E. HARVEY.

PAGE, GAINES & PAGE

Would again beg leave to call the attention of the public to their large

Fall Importation of Staple and Fancy Dry Goods,

which, in point of variety, richness and neatness of style, cannot be excelled, consisting in part of Plaid and Cheviot Silks, Robes, Poulard Silks, Tartan Robes for Evening Dresses, Plain and Figured de Laines, French and Swiss Muslins, Jacquets, Cambrics, Tulle, Valenciennes, Mull Mohair, Stoll, Baystate and Shetland Wool Shawls, Velvet Cloaks, superior to any before offered in this city, shawls, Shirts, Table Linens, Towels, Linens, Jeans, Cassimere, Cloths, Cashmere, Fluid Cottons, Welsh, Shaker, and all kinds of Flannels; a large assortment of Gents and Ladies Underwear; a full stock of Gents, Ladies and Misses Hosiery; a full assortment of Gloves, Fans, Neck Skirts, Velvet Ties, and Satin Ribbons, and Linen Goods of every description.

QUEENSWARE AND GLASSWARE

now on hand, and ready to receive of every description, and the largest stock ever before offered in this market, at low figures.

